

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED REGULAR MEETING  
MINUTES

March 25, 2021 – 7:00 p.m.

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1. **Call to Order:** Chair Fox called the meeting to order at approximately 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**  
Present – Commissioners Fox, McMullen, Mitchell, Murphy  
Absent – Commissioners Grissim, LaRose, Voight
4. **Approval of the Agenda:**  
A Motion to approve the March 25, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously.
5. **Call to Public:**  
None
6. **Public Hearing:**
  - a. **Rezoning Application #21-001 (Arena Drive)** request to rezone two (2) parcels on Arena Drive north of Highland Road and south of Hartland Sports Center (2755 Arena Drive). One parcel is on the east side of Arena Drive and the other parcel is on the west side of Arena Drive. The request is to rezone each parcel from GC (General Commercial) to MR (Multiple Family Residential).

Chair Fox explained the Public Hearing process.

**Chair Fox opened the Public Hearing at 7:03 PM stating all noticing requirements have been met.**

Director Langer summarized the request, location and process stating the following:

- Requested change GC General Commercial to MR Multiple Family Residential.
- Two parcels east and west of Arena Drive.
- The east parcel is part of the current rezoning request (Parcel ID #4708-22-300-013). The new parking lot, approved under SP Application #19-001, occupies the northern portion of the east parcel, approximately one-third of the parcel, or approximately 1.08 acres of land. The east parcel is approximately 2.98 acres in total size.

Mark Schaffer, the Applicant, stated the following:

- Parcels were listed for sale over 16 years ago when the sports complex was developed.
- The Applicant acquired them following the passing of the previous owner.
- Both have been on the market for a very long time and have not sold.
- Feels this zoning category would be a good fit.

**Call to Public:**

Eric Camilleri, Hartland Township; concerned about the notification process, multi-family usage and how that would affect his single-family neighborhood and the greater Hartland community, feels GC is more appropriate. Opposes higher density.

Barbara Krueger, Hartland Township; concerned about the population increase negatively impacting the postal system and the schools.

Richard Krueger, Hartland Township; concerned about the increase in traffic on M-59.

Brian McGahey, Hartland Township; concerned about the rapid development of Hartland Township as a whole impacting traffic, police and fire coverage, does not want to see anything developed behind his house especially not multi-family.

**Chair Fox closed the Public Hearing at 7:20 PM.**

Director Langer gave an overview of the minimum lot size and density for both parcels as outlined in the staff report.

*Intended Land Uses*

Chair Fox explained the tools used to make a determination include the Zoning Ordinance, Zoning Map, Comprehensive Plan, and the Future Land Use Map (FLUM). The Comprehensive Plan designations are what is planned for the future. These designations are used to buffer existing uses from more intense uses such as Commercial. The Comprehensive Plan designates both of these parcels as Multiple Family Residential which is used to buffer Single Family Residential uses from Commercial uses.

*Characteristics*

Chair Fox stated Multiple Family Residential is a broad category and does not always mean apartments. It can be attached single family homes or duplexes, townhouses, or one to two story apartment buildings.

Chair Fox stated the surrounding properties are as follows on the FLUM:

- North: Multiple Family Residential
- South: Office
- East: Multiple Family Residential
- West: Medium Urban Density Residential

Director Langer referred to the Future Land Use Map and confirmed Chair Fox's statements with the FLUM.

Chair Fox moved on to the criteria listed in the Zoning Ordinance.

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan.

Chair Fox stated the rezoning request is consistent with the FLUM and Comprehensive Plan.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

Director Langer stated the following:

- When considering a Rezoning request, there is no development proposal.

- It does change the list of uses that could occur.
- This property is generally undeveloped, mostly open with some small potential wetland areas.

Section 7.4.3.C. Reasonable return on investment with current classification of GC

The Applicant stated the following:

- Property is not very appealing in its current state.
- His experience is the demand for commercial in this spot is low, has been on the market for many years.
- Needs a change in zoning for more options such as townhomes.
- Feels this change will deliver possibilities that will improve the aesthetics of Arena Drive.
- The park/common area is an adequate buffer between this property and the residential to the west.
- Successfully developing this property would benefit the Township as well.

Commissioner Murphy asked what the Applicant is hoping to develop on the property. The Applicant stated he had a sketch plan drawn for seven buildings with two to four units each on the larger parcel to the west but has not explored options for the east parcel. Intends to have a use there that will share the parking area.

Commissioner Murphy asked if the additional parking was required as part of the recent Sports Center addition parking calculations. The Applicant stated it was.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed MR District with surrounding uses and zoning.

Director Langer stated in an ideal situation, the goal is for certain zoning categories to be in place to buffer less intense uses from more intense uses; in reality, space limits the ability to have all of those layers in between. Given that the surrounding properties on the north and south are zoned GC, General Commercial, a lower intensity single family planned development abuts the west parcel, and a nursing care facility abuts the east parcel, the proposed MR zoning classification appears to be compatible.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

Director Langer stated water and sewer are already present. M-59 under the jurisdiction of the Michigan Department of Transportation (MDOT), but the multi-family residential use is a less intense use for Arena Drive than GC and should not be an issue.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Chair Fox stated this is similar to section E.

Commissioner Murphy asked if Arena Drive could support this change in zoning. Director Langer stated yes.

Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.

Director Langer stated he has been told by people trying to find a decent apartment to rent in the area, that they are nearly non-existent. There is a demand, and the goal of the Township is to have many diverse options for residential uses.

Section 7.4.3.H. Ability to comply with zoning regulations.

Director Langer said hypothetically, without knowing the project, certainly something could be developed. He feels for a Rezoning, it is best to not have a plan presented as there is no guarantee that is the plan that will ultimately be constructed; any plan compliant with the new zoning category could be approved. The Planning Commission should look at all possibilities.

Commissioner Mitchell asked if the Applicant would be willing to split the zoning keeping the existing parking area in GC as it is part of the Sports Center. The Applicant replied, if the line were the edge of the parking lot, he would.

Director Langer stated the parking area is designed for commercial use, rezoning a required parking area for a commercial project raises some questions and would make it non-conforming. Typically, off-street parking spaces for commercial businesses would not be permitted in a residential district. Consideration should be given toward keeping the off-street parking lot portion of the subject site separate from the rezoning request and keep it in the GC (General Commercial) zoning category. This would require the applicant to provide a revised legal description to describe the portion of the property to be rezoned, after the off-street parking lot area is excluded.

Commissioner Mitchell stated he has concerns with a new owner developing a project in such a way it would consume that portion of the parking area intended for use for the Ice Arena. He would be more comfortable if it were excluded from the Rezoning. The Applicant agreed. The Planning Commission concurred.

Section 7.4.3.I. Appropriateness of the requested zoning district.

Director Langer stated the following:

- Medium Urban Density Residential category can be developed at a density of approximately two (2) to three (3) dwelling units per acre.
- FLUM has already been discussed.
- Residents of the abutting subdivision expressed concerns over what could be developed but the Comprehensive Plan uses this very zoning category as a buffer between residential and office or commercial uses, it seems to align with the intent of the Multiple Family Residential designation.

Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.

Director Langer reiterated the Planning Commission should look at all permitted uses and uses permitted by special use permit in this zoning category.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

Director Langer explained exclusionary and spot zoning; the requested zoning MR (Multiple Family Residential) is consistent with the FLUM and land uses allowed in adjacent properties to the north, south, east, and west. He also stated this is not an easy determination; it could go either way.

Section 7.4.3.L. Submittal of similar request within one year.

Chair Fox stated a similar rezoning request has not been submitted within one year.

Section 7.4.3.M. Other Factors.

Chair Fox asked if the Planning Commission had any other comments.

Commissioner Murphy asked about the minimum size requirement of five (5) acres for MR. This site is four (4) acres to the west and three (3) to the east. Would the elimination of the parking area as part of the rezoning reduce that even further to two (2) acres of developable area? Director Langer confirmed the acreage and stated the five (5) acre minimum pertains to the multi-family building and not to the other uses allowed such as two-family dwellings.

Chair Fox asked if that also applied to other uses such as day care or adult foster care homes? Director Langer confirmed.

Chair Fox stated MR has far fewer uses than GC but more than just apartment buildings. It appears an apartment building would not work at this location. Director Langer stated it would not be fair to leave the topic with those comments, there are avenues that any property owner can seek to get relief from a zoning ordinance requirement. If one can prove a practical difficulty, one might be able to obtain a variance from the Zoning Board of Appeals. There is also the Planned Development (PD) process if a project can provide specific benefits to the community, some zoning ordinance standards can be waived.

Commissioner Murphy asked about the 20-acre minimum for PD. Director Langer again stated that is the standard but if the project had enough merit, the Planning Commission and the Township Board could decide to waive that provision. Chair Fox stated it has happened in the past but not often.

Director Langer explained for a Rezoning, the Planning Commission holds a Public Hearing, which happened tonight, and makes a recommendation to the Township Board. The Township Board would make a final determination.

Chair Fox asked the Director to explain the notification process. Director Langer replied we are obligated to send a notice to property owners within 300 feet of the property being rezoned. There could be properties in a neighboring subdivision who would receive a notice and others that fall outside of the 300 feet that would not receive a notice. There is a large common area that falls in between this proposed Rezoning and those homes which certainly would explain why everyone in the subdivision did not receive a notice. There is also a notice published in the newspaper and on social media.

Commissioner Murphy stated this is not an easy decision, and he is not ready to make a decision. Commissioner Mitchell concurred. He would like to see a revision or land division to remove the parking area from this request. Commissioner McMullen agreed stating that was her concern as well. Chair Fox also agreed.

**Commissioner Mitchell offered a Motion to Table Rezoning #21-001 (Arena Drive). Seconded by Commissioner McMullen. Motion carried unanimously.**

Chair Fox explained for the benefit of the public, that this was a Public Hearing and required to be noticed, future meetings will not be noticed in the same way. Chair Fox encouraged interested parties to watch for future agendas to be posted on the Township webpage, cable channel or social media. The agendas are published generally one week before the meeting.

**7. Call to Public:**

None

**8. Planner's Report:**

Director Langer reported the following:

- Koppert Biological did an expansion which required Landscaping.
- They were unable to obtain certain species that were on their original plan.
- Staff and Commissioner Grissim have been working with them to find suitable substitutions.

**9. Committee Reports:**

None

**10. Adjournment:**

**A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:15 p.m.**

**Submitted by,**

A handwritten signature in black ink that reads "Keith R. Voight". The signature is written in a cursive, flowing style.

**Keith Voight,  
Planning Commission Secretary**